

REMARKS/ARGUMENTS

Claims 1-22 are pending in the present application. Claims 1-22 have been rejected. No claims have been allowed. No claims have been canceled. Claims 23-24 are new.

I. Power of Attorney

Applicant filed a new Power of Attorney by Assignee and Revocation of Previous Powers on December 22, 2003. A *courtesy copy* of this previously filed Power of Attorney is being submitted herewith. Applicant respectfully requests that this previously filed information be entered into the file and the database be updated to properly address this file to Beyer, Weaver & Thomas LLP for all future correspondence. Applicant also requests that the undersigned attorney be contacted regarding any concerns relating to the Power of Attorney.

II. Claim Rejections under 35 U.S.C. § 102(b)

Claims 1, 9-17 and 22 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,761,647 to Boushy ("Boushy"). In particular, the Final Office Action states, *inter alia*, that "Boushy is considered to disclose . . . at least one [cash] voucher having a particular cash value associated therewith . . . ; accepting by [a] gaming machine said at least one cash voucher . . . ; retrieving [] cash vouchers from [a] gaming machine; and comparing information from said [] retrieved cash vouchers to information . . . contained in [a] record." Applicant respectfully traverses these rejections.

As an initial matter, Applicant incorporates by reference Applicant's full Response of July 7, 2004. Applicant again respectfully submits that Boushy does not disclose every element of each of independent claims 1, 9, 14 and 17. In particular, Boushy does not disclose and is not concerned with any form of "cash voucher" or similar instrument for use in conjunction with a

gaming machine. Rather, Boushy discloses and describes a “National Customer Recognition System and Method” that is related to player tracking and loyalty points awards and comps in conjunction with play on gaming machines. Applicant also notes that the Final Office Action asserts, “Boushy’s points are *functionally equivalent* to a cash voucher and can be utilized or redeemed for gifts, services or cash” (emphasis added). Applicant respectfully submits that equivalence is an inappropriate basis for rejection under 35 U.S.C. § 102, however, such that the pending § 102 rejections cannot be maintained for at least this reason. *See, e.g.*, MPEP 2144.06. Applicant thus requests the withdrawal of these § 102 rejections.

Continuing further, Applicant respectfully submits that the points of Boushy cannot be considered a functional equivalent to a “cash voucher” in any event. The Nevada Gaming Commission defines a wagering voucher as “a printed wagering instrument, used in a cashless wagering system, that has a fixed dollar wagering value and is redeemable for cash or cash equivalents.” This definition can be found at http://www.gaming.nv.gov/stats_regs/all_regs.pdf, a copy of which is provided herewith. Such a “wagering voucher” is a form of “cash voucher” as is presently claimed. Furthermore, both the present specification and the pending claims, when taken in their entirety, require that the “cash voucher” as claimed be a tangible item, such as a printed ticket, or other item made of paper, plastic or other suitable materials. Appropriate support for such an interpretation can be found at, for example, Figure 2 and page 9, lines 1-11 of the application as filed. In addition, the claims when taken as a whole require that a “cash voucher” inherently be a tangible item. For example, claimed steps for “storing,” “sorting,” and “retrieving intermingled cash vouchers and bill monies” all point to the inherently tangible nature of the cash vouchers of the present claims. Conversely, Boushy is not alleged to disclose any tangible form of cash voucher, but rather is alleged only to disclose the intangible “player

tracking points” as some form of cash voucher. Applicant again respectfully submits that such an interpretation of Boushy is at odds with its teaching, and does not remotely approximate that which is being claimed with respect to “cash vouchers” in the present application. In order to resolve any possible doubt or strained logic in possibly interpreting “player tracking points” as a “cash voucher,” however, Applicant expressly submits that such cash vouchers as claimed are inherently tangible items, and that “player tracking points” or any other intangible item cannot constitute such a “cash voucher” as claimed herein. Accordingly, Applicant respectfully submits that Boushy be withdrawn as a reference entirely, as it does not disclose or suggest anything remotely resembling a tangible “cash voucher,” as is presently claimed.

As set forth in the previous Response of July 7, Applicant resubmits that many other claim elements have similarly not been shown to be present in Boushy. For example, the Final Office Action further states that Boushy discloses the step of “crediting said particular cash value to a player of said at least one gaming machine (column 5 lines 60-64).” This particular passage merely states that the betting activity of a customer is monitored at a separate host, however, and does not disclose the claimed invention, since the claimed gaming system credits a *particular cash value* from a cash voucher to a player of the gaming machine. Such a particular cash value can never be attributed to the points of Boushy, as such points can be in flux and thus not have any particular or fixed cash value, while the printed tickets or other tangible cash vouchers of the present invention have a fixed or *particular cash value*. The Final Office Action also asserts that Boushy discloses, “retrieving one or more cash vouchers from said at least one gaming machine (column 10 lines 40-64).” This particular passage of Boushy only discloses updating the account of a player at a separate database when the player is awarded or redeems comp points, however, and as such fails to disclose “retrieving a cash voucher from a gaming machine.”

Applicant again respectfully submits that the specific passages of Boushy that are identified in the Final Office Action provide little assistance in ascertaining how each asserted claim element is allegedly disclosed in or taught by Boushy. In fact, a careful read of these passages in comparison to the elements that they are said to disclose is quite perplexing. For example, the Office Action asserts that Boushy discloses “issuing at least one [cash] voucher having a particular cash value associated therewith or at least one data storage element for storing data regarding accepted cash vouchers, including a value of said accepted cash vouchers or crediting a value associated with an accepted cash voucher or bill money or at least one container for storing accepted bill monies and cash vouchers with one another (column 1 lines 23-27).” However, column 1, lines 17-30 of Boushy states:

Typically, these tracking programs are implemented by providing each customer with a casino membership card which includes a machine readable identification number specific to the customer. Each identification number has an associated customer account that is stored in the casino’s computer system and updated to reflect customer activity. Customers need only insert their cards in slot machines or card readers associated with gaming tables or give their cards to a casino employee to have their betting activity monitored and reflected in their accounts. Customer cards may also be used to track customer activity at casino venues, such as special events, showrooms, and hotels, through card readers and computer terminals manned by casino employees.

Applicant is at a loss in understanding how this passage remotely discloses or teaches elements such as a cash voucher, the acceptance of a cash voucher, a data storage element for storing data associated with a cash voucher, crediting a value associated with a cash voucher, or a container for storing a cash voucher, as asserted by the Examiner. Applicant respectfully submits that this passage does not disclose a cash voucher or any other presently pending claim element.

Further, the Examiner asserts that Boushy discloses “comparing information from said one or more retrieved cash vouchers to information regarding said at least one accepted cash vouchers contained in said record or a computing device adapted to determine whether the value

of said sorted and scanned cash vouchers in the same as the value of cash vouchers accepted to said container (column 5 lines 65-67).” Yet, column 5, lines 65-67 of Boushy states:

LAN 120 may optionally include a pit tracking system (PTS) 258 to automatically track customer activity at gaming tables 134. PTS 258 is shown supported on a computer

Applicant is again at a total loss in understanding how this passage discloses such an element or step, and can only submit that this passage does not disclose or teach such an element or step.

The Office Action is silent with respect to the sorting feature listed in claims 9, 14 and 17. For example, claim 14 states “sorting the cash vouchers from said bill monies[.]” The Examiner failed to address these feature within the Office Action. The Applicant respectfully requests that the Examiner would point out within the Boushy specification where this sorting feature is located. The Applicant reviewed the Boushy reference and could not locate any reference to the sorting feature listed within in claims 9, 14 and 17.

Because Boushy does not disclose, teach or suggest the use of a “cash voucher” and the elements addressed above, Boushy does not disclose all material elements of any of the pending claims. Accordingly, Boushy does not anticipate any of independent claims 1, 9, 14 and 17, or any claim depending from these independent claims. Applicant thus respectfully requests the withdrawal of these § 102(b) rejections of Claims 1, 9-17 and 22.

III. Claim Rejections under 35 U.S.C. § 103

Claims 2-8, 18, 20 and 21 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Boushy in view of U.S. Patent No. 6,500,067 to Luciano et al. (“Luciano”). In addition, claim 19 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Boushy in view of U.S. Patent No. 5,800,269 to Holch et al. (“Holch”). Applicant respectfully traverses.

As detailed above, independent Claims 1 and 17 have not been shown to be anticipated over the prior art for a number of reasons. Dependent Claims 2-8 depend from Claim 1, while dependent Claims 18-21 depend from Claim 17. Accordingly, Applicant respectfully submits that Claims 2-8 and 18-21 are patentable over the prior art for at least the same reasons as those provided for claims 1 and 17, and thus requests the withdrawal of the § 103 rejections with respect to these dependent claims for at least these reasons.

Furthermore, Applicant respectfully submits that Luciano and Holch are deficient in other areas, such that there are additional reasons for traversing these rejections under § 103. For example, while each of the presently pending claims requires the use of a “gaming machine,” Luciano never discloses or describes such an element. Rather, Luciano teaches a “Voucher Gaming System” involving the use of, *inter alia*, a “PT.” This PT is alternatively described as a “networked gaming device,” a “gaming terminal,” a “player terminal” and a “gaming device,” but never as a “gaming machine.” Applicant respectfully submits that a “gaming machine” has a well defined and known meaning in the art, such that the presently claimed elements requiring, for example, “accepting by said at least one *gaming machine* said at least one cash voucher” must carry some weight over the more nebulous and imprecise recitations of a “gaming device” or “player terminal,” where such items have not been described as being or connected to an actual “gaming machine.”

In addition, neither Luciano nor Holch has been shown to contain a number of material elements as claimed. For example, the Office Action states, “Luciano is considered to disclose the step of accepting and crediting at a gaming machine including *retrieving* money and reading *cash vouchers* unique identifying element, *and reconciling and sorting* (column 5 lines 23-43)” (emphases added). However, this exact passage in Luciano states:

With reference now to FIG. 7, a player initiates play in the present system and method usually by handing cash (or other form of remuneration or credit) to a cashier attending a CT or MCT. The cashier enters the transaction into the CT through the keyboard, and the CT generates a unique transaction code to be printed on a voucher as noted above in connection with the discussion of FIG. 6. The CT then transmits the calculated transaction code and associated data (the time, date, amount tendered by the player) to the PAS. The PAS checks the validity of the information received from the CT, records the transaction code, amount of the voucher value and identifying data, and stores the information in the database. The PAS then transmits to the CT a confirmation of the validity of the code and stores all the information in a database record to be accessed by the unique transaction code. Upon receiving the confirmation the CT prints the voucher, such as shown in FIG. 6. The cashier then hands the voucher to the player so that the player may take the voucher to commence playing games of chance on any one of the PTs on the network, as shown in FIG. 1.

As in the foregoing examples, Applicant is at a loss in understanding how this passage discloses or teaches the elements or steps of retrieving, sorting or reconciling of cash vouchers from gaming machines. While Applicant readily notes and acknowledges that Luciano discloses and teaches a system involving cash vouchers, the material elements and steps of a gaming machine and the retrieving, sorting and reconciling of such cash vouchers from a gaming machine have not been shown to be present in Luciano. Accordingly, Luciano cannot be said to cure the deficiencies of Boushy, such that the pending claims are all patentable over each recited prior art reference both alone and in any combination.

IV. New Claims


Claims 23-24 are new. Support for each of these new claims can be found throughout the specification and original claims as filed, and in particular at claim 1 as originally filed.

Applicant respectfully submits that these claims are patentable over the prior art for at least the same reasons given above for the presently rejected claims.

CONCLUSION

Applicant respectfully submits that all claims are in proper form and condition for patentability, and thus requests a Notification of Allowance to that effect. Should payment for all appropriate RCE and claim fees be inadvertently omitted, or should any other fee be required for any reason related to this paper or application, then the Commissioner is hereby authorized to charge said fee to Deposit Account No. 50-0388, referencing Docket No. IGT1P116. The Examiner is respectfully requested to contact the undersigned attorney at the telephone number listed below with any questions or concerns relating to this paper or application.

Respectfully Submitted,
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